

REMARKS

In the Office Action¹, the Examiner objected to claim 2 as a substantial duplicate of claim 1; rejected claims 1, 2, 5, and 6 under 35 U.S.C. § 101 as drawn to unpatentable subject matter; and rejected claims 1, 2, and 4-6 under 35 U.S.C. 103(a) as unpatentable over U.S. Patent 6,614,739 to Sasaki et al. ("Sasaki") in view of U.S. Patent 5,586,098 to Nishida et al. ("Nishida"), and further in view of U.S. Patent 5,056,074 to Tateishi et al. ("Tateishi").

Applicant amends claims 1-5, cancels claim 6, and adds new dependent claims 7-9. Claims 1-5 and 7-9 are pending.

Applicant submits that the claim amendments render claims 1 and 2 distinct from one another, and therefore requests withdrawal of the objection.

Applicant respectfully traverses the rejection of claims 1, 2, and 5 under 35 U.S.C. § 101.

Amended independent claim 1, from which claim 2 depends, recites "a disc drive" comprising, among other things, "a memory" and "a processor." Accordingly, claims 1 and 2 are directed to one of the four categories of statutory subject matter under § 101--a machine.

Amended independent claim 6 recites "a computer-readable storage medium storing a computer program" The specification states, "the recording medium . . . is composed of a package medium such as the magnetic disc 421 (including flexible disc), the optical disc 422 (CD-ROM (Compact Disc-Read Only Memory) including

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

DVD), the magnet-optical disc 423 (including (MD (Mini-Disc) (Trademark))), the semiconductor memory 424, or the like . . . " (emphasis added). ¶ 233. Accordingly, the claimed computer-readable storage medium should be interpreted as being tangibly-embodied. Thus, an allegation that claim 6 is directed to non-statutory subject matter such as a program or a signal is incorrect. Office Action at 5. Claim 6 is clearly drawn to one of the four categories of statutory subject matter under § 101—a manufacture.

Applicant respectfully traverses the rejection of claims 1, 2, 4, and 5 under 35 U.S.C. § 103(a).

Amended independent claim 1 recites a disc drive comprising, among other things,

a tracking error signal coefficient controller configured to, when the RF signal in the reflected laser beam appears or disappears, select from the memory a tracking error signal coefficient corresponding to the disc type, the mode of operation of the disc drive, and the presence or absence of the RF signal in the reflected laser beam.

Sasaki, Nishida, and Takeishi, taken alone or in combination, fail to disclose or suggest at least the claimed controller.

Sasaki discloses, "a recording apparatus and a recording method for performing light modulation recording." Col. 1, ll. 8-10. In Sasaki, "the laser drive pattern [for recording to an optical disc] is controlled in accordance with variations in the thermal storage caused by the pit length and the land length." Col. 10, ll. 18-26. Sasaki, however, fails to disclose or suggest the claimed tracking error signal coefficient controller.

Nishida fails to remedy the deficiencies of Sasaki. Nishida discloses, "an optical disc apparatus in which record laser power corresponding to each zone is present so as to eliminate the lag time necessary for changing the zone." Col. 2, ll. 14-17. In Nishida, "two data PLLs are provided, [and] clocks for the present record zone and the next record zone can be generated at the same time." Col. 4, ll. 19-22. Further, "when data is recorded in the present zone, the designated value of the laser power of the next zone can be predetermined. Thus, when the present zone is changed, data can be recorded to the next zone without a time lag." Col. 9, ll. 53-57. Nishida, however, also fails to disclose or suggest the claimed tracking error signal coefficient controller.

Tateishi fails to remedy the deficiencies of Sasaki and Nishida. Tateishi discloses, "a tracking servo system for use in an information recording disc playing apparatus." Col. 1, ll. 7-9. In Tateishi, "coefficients determining the characteristic of the equalizer are varied so that the characteristic of the equalizer becomes such that a large phase margin in the middle frequency range is obtained upon closure of the servo loop after the jump operation" Col. 6, ll. 21-27. Thus, Tateishi's coefficients relate to a digital audio equalizer for compensating for "noises at the time of switching." Col. 5, ll. 55-56.

In addition, Tateishi states that the coefficients for the equalizer are calculated "upon completion of a single jump operation, a scanning operation, or a search operation, or upon power-up of the system by starting the power supply" (Col. 4, ll. 39-42), not "[selected from the memory], when the RF signal in the reflected laser beam appears or disappears." Further, as described above, the coefficients are calculated based on "compensat[ing] . . . the frequency characteristic of the tracking

error signal" (Col. 4, ll. 49-50), not on "the disc type, the mode of operation of the disc drive, and the presence or absence of the RF signal in the reflected laser beam."

Amended independent claims 4 and 5, though of different scope than claim 1, are allowable over Sasaki, Nishida, and Takeishi for at least the same reasons as claim 1. Claims 2, 3, and 7-9 are allowable at least because of their dependence from the independent claims.

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

If the Examiner believes a telephone conference could be useful in resolving any outstanding issues, the Examiner is kindly invited to contact the undersigned at 202.216.5118.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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